

Remarks:

The Examiner has first rejected claims 14, 16, 27, 28, and 30 under 35 U.S.C. 103(a) as unpatentable over Zinn, U.S. Patent No. 2,558,918 in view of the Background section of Applicant's specification. The Examiner characterizes Zinn as disclosing a carton for holding fine grain or liquid material that comprises a cardboard blank adhesively attached to a liner except at regions adjacent to the crease lines. The Examiner states further that the lined carton is provided with a plurality of crease lines and that since the crease lines are not provided with adhesive the bond strength of the crease line region is less than the bond strength for the non-creased regions which are provided with adhesive. This permits the liner to separate from the cardboard blank at the corners when the carton is folded.

The Examiner concedes that Zinn fails to disclose that the cardboard blank and liner are coextensive with one another. However, the Examiner nevertheless concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the layers coextensive. The Examiner states that one of ordinary skill would be motivated to do so because it would make manufacturing the carton faster and insure the entire carton would be lined.

The Examiner also concedes that Zinn fails to disclose a liquid-tight coating disposed on the first layer outwardly of the second layer and a liquid tight coating disposed on the second layer outwardly of the first layer, but states that the background section of the specification provides that a very large group of disposable packages are produced from a laminated packaging material formed from a core layer of paper or paperboard and outer, liquid tight coatings of plastic on both sides of the core layer. The packaging laminate may also include additional layers of plastic and/or metal in order to impart to the packaging containers superior barrier properties against, for example, gases and light.

The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention to add a liquid tight coating disposed on the first layer outwardly of the second layer and a liquid tight coating disposed on the second layer outwardly of the first layer as taught by the specification (background art) to Zinn's carton because it would increase the barrier properties against liquids leaking out of the carton when used for containing liquids.

It is applicant's position that Zinn completely fails to disclose the coextensive first and

second (liner and base) layers and that contrary to the Examiner's assertion that it would have been obvious to do so, there is nothing that the Examiner has put forth that shows such a motivation or teaching. Rather, it is merely the overly broad conclusion, with nothing in hand that provides the basis for this conclusion.

Moreover, it is applicant's position that the Examiner makes this assertion only with the benefit of hindsight. That is, it is only with the present claims in hand that the Examiner can piece together different pieces of references (which in total do not disclose the claimed invention) to "make" the claimed invention. Simply put, the references of record do not provide the basis for the Examiner's rejections.

The Examiner states further that process limitations are given little or no patentable weight and that the method of forming the product is not germane to the issue of patentability of the product itself. Applicant is not asserting in the pending claims that the process is to be given weight. Rather, it is applicant's position that the invention is in fact patentable on the merits of the structure, function and materials of the claim.

The Examiner states that "[i]n this case, the limitation non-scored crease line and first and second layers are darkened are methods of production and therefore does not determine the patentability of the product itself." It is applicant's position that these are in fact structural and/or functional distinctions and not in fact process distinctions. To this end, it is applicant's position that the Examiner's "process" considerations are misplaced and that examination on the merits as structural and/or functional limitations be made.

The Examiner has next rejected claims 15 and 29 under 35 U.S.C. 103(a) as unpatentable over Zinn in view of Applicant's specification as applied to claims 14, 16, 27, 28, and 30 above, and further in view of Skjelby, U.S. Patent No. 4,206,867. The Examiner has taken the position that Zinn and the specification disclose all the limitations of the instant claimed invention except that the fold regions are treated with an adhesion counter acting agent, and that Skjelby discloses a coated paper board container and blank with a plurality of fold and non-fold regions and crease lines where some of the fold regions are treated with an adhesive which may be made of any suitable material, such as wax based material, and permits easy separation between layers.

The Examiner states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the adhesive material of Skjelby to the crease lines of Zinn because it would help the liner more easily separate from the cardboard blank at the

corners.

Last, the Examiner has rejected claim 17 under 35 U.S.C. 103(a) as unpatentable over Zinn Applicant's specification as applied to claims 14, 16, 27, 28, and 30 above, and further in view of Hecking, U.S. Patent No. 4,712,737 or Nagata, U.S. Patent No. 4,909,432. The Examiner states that Zinn and Applicant's specification disclose all the limitations of the instant claimed invention except for the liner being made of aluminum or greaseproof paper and that Hecking discloses a carton comprising a paperboard lined aluminum foil and Nagata discloses a container comprising a thick paper lined with polyethylene, aluminum or the like. The Examiner has concluded that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use polyethylene or aluminum liner as suggested by Hacking or Nagata depending on the type material to be contained by the carton, i.e. liquid or solid.

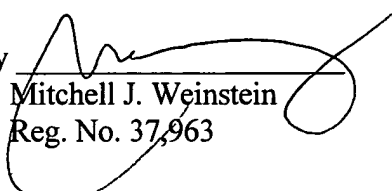
It is applicant's position that based on the above remarks vis-a-vis the failure of Zinn to provide the basis for an obviousness rejection of the pending claims, claims 15, 17 and 29 are allowable over the art of record for the same reasons that their base claims (namely claims 14 and 27) are allowable over the art of record.

To this end, applicant submits that pending claims 14-17 and 27-30 are allowable over the art of record and respectfully solicits early indication of same. Applicant requests that, should the Examiner wish to discuss any outstanding matters, whether formal or substantive, the undersigned be contacted to discuss any such outstanding matters.

Applicant believes that there is no fee due in connection with the present amendment. If, however, there is a fee due, the Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 23-0920. In addition, should any petitions be necessary, Applicant requests that this paper constitute any such the necessary petition.

Respectfully submitted,

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